

SDAO 440 (Rev. 8/01) Summons in a Civil Action

JUDGE STANTON

UNITED STATES DISTRICT COURT

Southern

District of

New York

MARY VIRGINIA HOLDSWORTH,

V.

SUMMONS IN A CIVIL ACTION
08 CV 01057

CAB EAST, LLC, and
SUZANNE W. SEGALAS

CASE NUMBER:

TO: (Name and address of Defendant)

CAB EAST, LLC
P.O. Box 105704
Atlanta, GA 30348

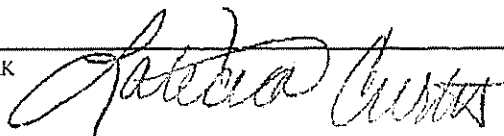
SUZANNE W. SEGALAS
88 Village Road, P.O. Box 461
New Vernon, NJ 07976

YOU ARE HEREBY SUMMONED and required to serve on PLAINTIFF'S ATTORNEY (name and address)

an answer to the complaint which is served on you with this summons, within 30 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

CLERK



(By) DEPUTY CLERK

DATE

FEB 01 2008

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
MARY VIRGINIA HOLDSWORTH,

Plaintiff,

-against-

CAB EAST, LLC, and SUZANNE W. SEGALAS,

Defendants,
-----X

08 Civ. # 01057
COMPLAINT

PLAINTIFF DEMANDS
TRIAL BY JURY

Plaintiff, by her attorneys, WEITZ & LUXENBERG, P.C.,
as for her Complaint against the defendants, alleges that
at all times hereinafter mentioned:
alleges:

PARTIES

1. Plaintiff, MARY VIRGINIA HOLDSWORTH, is a citizen
of the State of New York, resided and still resides at 31
East 12th Street, in the County, City and State of New York.
2. Defendant, CAB EAST, LLC, is a foreign corporation
with its place of business located at P.O. Box 105704,
Atlanta, Georgia 30348.
3. Defendant, SUZANNE SEGALAS, is a citizen of New
Jersey and resides at 88 Village Road, P.O. Box 461, New
Vernon, New Jersey 07976.

JURISDICTION

4. The amount in controversy exceeds \$75,000.00,
exclusive of costs and interest.
5. By virtue of the diverse citizenship of the

parties and the amount in controversy, this court has jurisdiction.

FIRST CAUSE OF ACTION

6. On or about July 5, 2007, defendant, CAB EAST, LLC, was the owner of a 2007 Volvo motor vehicle bearing State of New Jersey registration plate number VNN47E.

7. On or about July 5, 2007, defendant, SUZANNE SEGALAS, was the registrant of the aforesaid motor vehicle.

8. On or about July 5, 2007, defendant, CAB EAST, LLC, was the lessor of the aforesaid motor vehicle.

9. On or about July 5, 2007, defendant, CAB EAST, LLC, was the lessee of the aforesaid motor vehicle.

~~10. On or about July 5, 2007, defendant, SUZANNE~~
SEGALAS, was the owner of the aforesaid motor vehicle.

11. On or about July 5, 2007, defendant, SUZANNE SEGALAS, was the registrant of the aforesaid motor vehicle.

12. On or about July 5, 2007, defendant, SUZANNE SEGALAS, was the lessee of the aforesaid motor vehicle.

13. On or about July 5, 2007, defendant, SUZANNE SEGALAS, was operating the aforesaid motor vehicle.

14. On or about July 5, 2007, defendant, SUZANNE SEGALAS, was controlling the aforesaid motor vehicle.

15. On or about July 5, 2007, defendant, SUZANNE SEGALAS, was operating and controlling the aforesaid motor

vehicle.

16. On or about July 5, 2007, defendant, SUZANNE SEGALAS, was operating the aforesaid motor vehicle with the permission and consent, implied or express, of defendant, CAB EAST, LLC.

17. On or about July 5, 2007, defendant, SUZANNE SEGALAS, was operating the aforesaid motor vehicle on University Place at/or near its intersection with East 12th Street, in the County, City and State of New York.

18. On or about the July 5, 2007, plaintiff, VIRGINIA HOLDSWORTH, was a pedestrian lawfully crossing University Place at/or near its intersection with East 12th Street, in the County, City and State of New York.

19. On or about July 5, 2007, the plaintiff, VIRGINIA HOLDSWORTH, was a pedestrian on University Place at/or near its intersection with East 12th Street, in the County, City and State of New York, when She was struck by the aforesaid motor vehicle.

20. At the aforesaid time and place, defendant's motor vehicle came into violent contact with the person of the plaintiff.

21. That as a result of the foregoing, the plaintiff, VIRGINIA HOLDSWORTH, sustained serious personal injuries causing pain, suffering and medical expenses.

22. The aforesaid occurrence and resulting injuries to

plaintiff, MARY HOLDSWORTH, were due to the carelessness, recklessness and negligence of defendants, CAB EAST, LLC, and SUZANNE SEGALAS, in the operation and use of said vehicle.

23. This action falls within one or more of the exceptions set forth in CPLR § 1602 (6) motor vehicle.

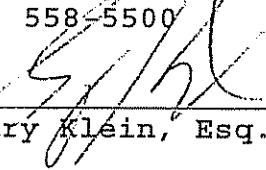
24. Plaintiff MARY HOLDSWORTH has sustained a serious injury as defined in subdivision (d) of Section 5102 of the Insurance Law, or economic loss greater than basic economic loss defined in subdivision (a) of Section 5102 of the Insurance Law.

25. By reason of the aforesaid, plaintiff, MARY HOLDSWORTH, demands judgment against the defendants in a sum in excess of \$75,000.00.

WHEREFORE, plaintiff, MARY HOLDSWORTH, demands judgment against the defendants, CAB EAST, LLC and SUZANNE SEGALAS, together with interest, costs and disbursements of this action.

Dated: New York, New York
February 1, 2008

WEITZ & LUXENBERG, P.C.
Attorneys for Plaintiff
Office & P.O. Address
180 Maiden Lane
New York, New York 10038
(212) 558-5500

By: 
Gary Klein, Esq. (5632)